

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1-30 are pending. Claims 1, 2, 8, 9, 15-17 and 19-30 have been amended. No new matter has been added.

Rejection Under 35 U.S.C. § 112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner has pointed out that the terms “said input” and “said color converting method” lack antecedent basis.

Claim 8 has been amended, and Applicants submit that claim 8 is in conformance with U.S. patent practice. Withdrawal and reconsideration of the rejection is requested.

Rejection Under 35 U.S.C. 102

Claims 1 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,581,109 to Fields et al. (“Fields”).

Applicants submit that Fields is directed to a system for dynamically adjusting the colors of an image stored in a server, as that image is served to a user. Fields discloses “calibration parameters” that are defined by a user “running a series of simple tests that measure perceived or actual differences in color reproduction on the user’s particular machine.” The calibration parameters are stored at a server, which uses the parameters to “color adjust the image as the page including the image is served.” (Fields, column 2, lines 43-46 and lines 28-

calibration data generated at the user's machine as a result of local execution of the calibration applet 30 on that machine." (Fields, column 4, lines 40-45.)

The claimed invention acquires information concerning color properties of a receiving terminal, and color converts a stored image in accordance with the acquired information. The Specification discloses an output profile table containing "attribute information of the receiving terminals," and that in one embodiment, manufacturers' names and model numbers are provided as the attribute information. A user identifies the attribute information of his/her display (i.e., the manufacturer or model) and the image to be downloaded. (Specification, page 7, lines 7-12, Figures 3 and 5.) This is clearly in contrast to Fields, where the calibration parameters are users' perceptions generated by executing a calibration applet.

Amended claims 1 and 16 now recite "acquiring . . . attribute information specifying said receiving terminal," "color-converting . . . in accordance with a color property . . . being specified by said attribute information received from said receiving terminal; and delivering, from said server to said receiving terminal, said generated color-converted stored image." While Fields merely discloses that the calibration parameters are users' perceptions generated by executing a calibration applet, the inventions of claims 1 and 16 are able to color-convert the image in accordance with attribute information based on manufacturer specifications and model numbers, independent of a user's visual perception.

Further, Fields requires a user to understand technical terms, such as gamma, RGB color space, chroma, brightness, etc. With the claimed invention a user merely identifies the receiving terminal by manufacturer model, without having to know any technical information.

Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 2-15 and 17-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fields in view of U.S. Patent No. 6,421,733 to Tso et al. ("Tso").

The Examiner contends that Fields discloses most of the features of independent claims 2, 9, 17 and 24. However, the Examiner acknowledges that Fields does not disclose all the features of claims 2, 9, 17 and 24. The Examiner cites Tso as disclosing those features of claims 2, 9, 17 and 24 that are missing from Fields, and states that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Fields and Tso to achieve the invention of claims 2, 9, 17 and 24.

Independent claims 2 and 9 have been amended, and now recite "receiving stored image selection information and receiving terminal attribute information specifying said receiving terminal from a WWW server." Applicants submit that Fields and Tso do not disclose nor suggest, singly or in combination the invention of claims 2 and 9. In particular, as demonstrated above, Fields discloses receiving calibration parameters that are users' perceptions generated by executing a calibration applet. Fields does not disclose "receiving terminal attribute information specifying said terminal" as recited in claims 2 and 9, nor does Tso disclose those features that are missing from Fields. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness against claims 2 and 9. Claims 3-8 depend from claim 2. Claims 11-15 depend from claim 9. Applicants submit that claims 3-8 and 11-15 are patentable over Fields and Tso for at least the same reasons as their respective base claims.

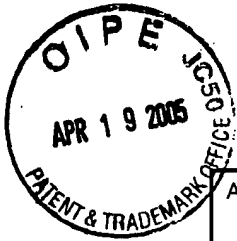
Independent claims 17 and 24 have been amended to recite "recording an output profile corresponding to attribute information specifying a receiving terminal," and converting an

image “in accordance with a color property of said receiving terminal specified by said attribute information.” Applicants submit that Fields and Tso do not disclose nor suggest, singly or in combination the invention of claims 17 and 24. As demonstrated above, Fields does not disclose “attribute information specifying said terminal” as recited in claims 17 and 24, nor does Tso disclose those features that are missing from Fields. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness against claims 17 and 24. Claims 18-23 depend from claim 17. Claims 25-30 depend from claim 24. Applicants submit that claims 18-23 and 25-30 are patentable over Fields and Tso for at least the same reasons as their respective base claims.

Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

Each and every point raised in the Office Action dated January 19, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-30 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.



Application No. (if known): 09/992,673

Attorney Docket No.: 09634/000L264-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV447564408-US in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on April 19, 2005
Date

Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment in Response to Non-Final Office Action (17 pages)
Amendment Transmittal (1 page)
Return receipt postcard